



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* the Application of:

James D. CRAPO, *et al.*

Serial No.: 10/051,367

Filed: January 22, 2002

For: CANCER THERAPY

) Group Art Unit: 1617  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In compliance with the Applicant's duty under 37 CFR § 1.56, the following information is brought to the attention of the Examiner.

**REFERENCES**

The references are listed on the attached Form PTO/SB/08a and copies are enclosed for the convenience of the Examiner.

Copies of the references listed on the attached Form PTO/SB/08a have already been submitted in corresponding Patent Application No. \_\_\_\_\_ and therefore, copies of the same are not enclosed.

Copies of U.S. Patent documents are not enclosed herewith.

The items identified in this Information Disclosure Statement may or may not be "material" pursuant to 37 CFR § 1.56 and the submission thereof by Applicant shall not be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

The filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

**DISCLOSURE**

The attached IDS is being filed in accordance with 37 CFR §§ 1.97 and 1.98. This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, no petition or fee is required. However, if the undersigned representative of Applicant is in error in this regard, then the Examiner is requested to consider this IDS as filed under § 1.97(c).

The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(c) and 1.98. This IDS is being filed after an action on the merits but before a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement on page 4 Under 37 C.F.R. 1.92(e)(1) and 1.97(e)(2); or
- (2) The fee set forth in 37 C.F.R. 1.17(p).

In the event that this IDS is not received before a Final Action under § 1.113 or a Notice of Allowance under § 1.311, the Applicant respectfully requests the filing of these papers to be considered a petition requesting consideration of this IDS pursuant to 37 CFR § 1.97(d).

The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(d) and 1.98. This IDS is being filed after receipt of a final action but before receipt of a Notice of Allowance Under §1.311.

**PAYMENT METHOD**

Enclosed is a check to cover the fee pursuant to 37 CFR § 1.17(p).

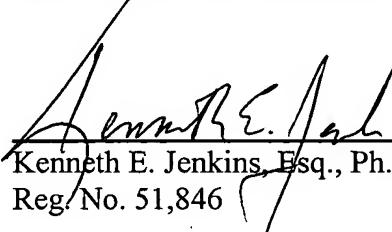
The Examiner is hereby authorized to charge any fee due with this filing to our Deposit Account No. **50-2613**.

The Examiner is hereby authorized to charge any additional fee(s) required by this paper to our Deposit Account No. **50-2613**.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Dated: October 5, 2006

By: 

Kenneth E. Jenkins, Esq., Ph.D.  
Reg. No. 51,846

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| Application Number   | 10/051,367     |
| Filing Date          | 01/22/2002     |
| First Named Inventor | James D. Crapo |
| Art Unit             | 1617           |
| Examiner Name        | Shengjun Wang  |

Attorney Docket Number 59062.00009.UTL

**U. S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
|                    |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
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|                    |                       | Country Code <sup>3</sup> "Number <sup>4</sup> "Kind Code <sup>5</sup> (if known) |                                |  |   |                |
|                    |                       | WO 92/08482   | 5/1992                         |  |   |                |
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| First Named Inventor   | James D. Crapo  |
| Art Unit               | 1617            |
| Examiner Name          | Shengjun Wang   |
| Attorney Docket Number | 59062.00009.UTL |

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Application Number 10/051,367

Filing Date 01/22/2002

First Named Inventor **James D. Crapo**

Art Unit 1617

Examiner Name | Shengjun Wang

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INFORMATION DISCLOSURE  
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| Application Number   | 10/051,367     |
| Filing Date          | 01/22/2002     |
| First Named Inventor | James D. Crapo |
| Art Unit             | 1617           |
| Examiner Name        | Shengjun Wang  |

Attorney Docket Number 59062.00009.UTL

## NON PATENT LITERATURE DOCUMENTS

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| Examiner Signature | Date Considered |
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|                               |   |    |   | Application Number       | 10/051,367      |
|                               |   |    |   | Filing Date              | 01/22/2002      |
|                               |   |    |   | First Named Inventor     | James D. Crapo  |
|                               |   |    |   | Art Unit                 | 1617            |
|                               |   |    |   | Examiner Name            | Shengjun Wang   |
| Sheet                         | 6 | of | 7 | Attorney Docket Number   | 59062.00009.UTL |

| NON PATENT LITERATURE DOCUMENTS |                       |   |  |                |
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| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |  | T <sup>2</sup> |
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| Art Unit             | 1617           |
| Examiner Name        | Shengjun Wang  |

Attorney Docket Number 59062.00009.UTL

**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
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1617

PTO/SB/21 (09-04)

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|              |                                     |          |        |
|--------------|-------------------------------------|----------|--------|
| Firm Name    | Paul Hastings Janofsky & Walker LLP |          |        |
| Signature    |                                     |          |        |
| Printed name | Kenneth E. Jenkins                  |          |        |
| Date         | October 5, 2006                     | Reg. No. | 51,846 |

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